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11   UNITED STATES DISTRICT COURT

12   NORTHERN DISTRICT OF CALIFORNIA

13   SAN FRANCISCO DIVISION

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   UNITED STATES OF AMERICA,   )   No. CR 08-0083 PJH
16   )
          Plaintiff,   )   [PROPOSED] ORDER EXCLUDING
17   )   TIME FROM SPEEDY TRIAL ACT
       v.   )   COMPUTATION
18   )
   GUILLERMO ALEJANDRO   )
19 ZARAGOZA, et al;   )
)
20   Defendants.   )

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23   The parties appeared before the Court on March 12, 2008 at 1:30 p.m. All eleven

   defendants were in custody. Defendant Guillermo Zaragoza appeared with his attorney Eric
24
   Hairston; defendant Manuel Corona also appeared with attorney Eric Hairston, who appeared
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   specially for attorney Nina Wilder; defendant Irma Corona appeared with her attorney Garrick
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   Lew; defendant Paul Kozina appeared with his attorney John Cline; defendant David Quezada
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   appeared with his attorney Steve Teich; defendant Angelica Rodriguez appeared with her
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1   attorney Seth Chazin; defendant Martel Valencia appeared with his attorney Robert Waggener;

2   defendant Eduardo Zaragoza appeared with his attorney Claire Leary; defendant Martin Zaragoza

3   appeared with his attorney Gail Shiffman; and defendant Richard Parodi appeared with attorney

4   Michelle Thomas, who appeared specially for attorney Douglas Rappaport. Defendant David

5   Weld was not present and his appearance was waived by his attorney Brian Berson. In addition,

6   defendant Roberto Ruiz remains at-large, defendant Lorenzo Carbajal is in state custody and a

7   writ has been submitted to produce the defendant on this matter, and defendant Juan Zaragoza

8   was arrested on February 27, 2008 in the Eastern District of California and is currently in transit

9   to this district. Attorney Robert Lyons was also present and represented to the Court that he may

10 become counsel of record for defendant Martel Valencia at the request of the defendant's family.

11   At the March 12, 2008, the parties jointly requested a continuance of this case until May

12 21, 2008 at 1:30 p.m. The parties agreed in open Court, with their attorney's concurrence, that

13 the case should be declared factually complex. The parties represented that the underlying

14 investigation involves multiple wiretaps with most of the wire interceptions in Spanish. In

15 addition, several thousands of pages of discovery have already been produced or in the process of

16 being produced. This discovery includes audio calls from the wire interceptions as well as draft

17 transcripts of the interceptions. Accordingly, the parties agreed, the entire period from the

18 inception of this case through and including May 21, 2008, should be excluded from the

19 otherwise applicable Speedy Trial Act computation, because the factual complexity renders it

20 unreasonable to expect adequate and effective preparation for pretrial proceedings and for the

21 trial within the otherwise applicable time limits set forth in the Speedy Trial Act.

22   Based upon the above-described representations and the parties's agreement in open

23 Court, the Court FINDS THAT the ends of justice served by granting a continuance from the

24 inception of this case through and including May 21, 2008 outweigh the best interest of the

25 public and the defendants in a speedy trial, and that the case is so factually complex, due to the

26 number of defendants and the nature of the prosecution, that it is unreasonable to expect effective

27 and adequate preparation for pretrial proceedings and for the trial within the otherwise applicable

28 time limits set forth in the Speedy Trial Act, within the meaning of 18 U.S.C. § 3161(h)(8)(A)

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1   and (B)(ii) and (iv).

2   Accordingly, the Court ORDERS THAT:

3   1.   This case is continued to May 21, 2008 at 1:30 p.m. for further status and for

4   possible setting of motions and trial dates.

5   2.   The period from the inception of this case through and including May 21, 2008 is

6   excluded from the otherwise applicable Speedy Trial Act computation, pursuant to 18 U.S.C. §

7   3161(h)(8)(A) and (B)(ii) and (iv).

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10   Dated: March __, 2008   _____
                                              HON. PHYLLIS J. HAMILTON
11   United States District Judge

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